

JAMES J. FLUKE.

JANUARY 19, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. PARKER, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 9970.]

The Committee on Military Affairs, having had under consideration the bill (H. R. 9970) entitled "A bill to remove the charge of desertion against James J. Fluke," having considered the same, recommend that the same do pass with amendment by adding the following:

Provided, That no pay, bounty, or other allowance shall become due or payable by virtue of the passage of this Act.

Mr. Fluke enlisted at the age of 17, September, 1861; was transferred January, 1863, to regular artillery; reenlisted after veteran discharge February 18, 1864, and deserted January, 1866, after the close of the war, to go to his mother, who was dying of consumption.

Relief has usually been granted in these cases.

We add as appendix reports of the Department and certain affidavits.

APPENDIX.

WASHINGTON CITY, *February 15, 1896.*

SIR: In reply to your letter of the 14th instant, received to-day, requesting to be furnished with the military record of James J. Fluke, Company I, Fifty-fifth Pennsylvania Infantry, and Battery D, First United States Artillery, and to be informed whether or not he can be relieved from the charge of desertion standing against him on the records of the latter organization, I am directed by the Secretary of War to advise you as follows:

It is shown by the records that James Fluke was enrolled September 3, 1861, in Company A, Fifty-fifth Pennsylvania Infantry, to serve during the war. He appears to have served faithfully to January 18, 1863, when he was discharged by reason or enlistment in Company D, First United States Artillery.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. J. D. HICKS,
House of Representatives.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 19, 1896.

Respectfully returned to Hon. J. D. Hicks, House of Representatives.

The records of this office show that private James Fluke, Battery D, First United States Artillery, reenlisted February 18, 1864, for three years, deserted January 28, 1866, and never returned to his command.

On the claimant's own application he was furnished, February 14, 1893, a deserter's release under General Order 55, Adjutant-General's Office, 1890, copy inclosed. This protects him from arrest and trial by court-martial, but does not remove the charge of desertion.

The Department has no power to remove the charge of desertion.

J. B. BABCOCK,
Assistant Adjutant-General.

To Committee on Pensions, House of Representatives, Washington, D. C.:

Your petitioner, James J. Fluke, respectfully represents that he resides at No. 518 Seventh avenue, city of Altoona, Blair County, Pa. That he is 52 years of age.

That he enlisted as a private in Company D, First United States Artillery, on the 19th day of January, 1862, and was honorably discharged on the 18th day of February, 1864.

That he reenlisted on same day, February 18, 1864, in Company D, First United States Artillery, and served faithfully and honorably until January 28, 1866, when he left his command at Fort Hamilton, N. Y., without proper leave, to reach the bedside of his mother, who was old and critically ill, and, in consequence of her continued illness, never returned; and further, the war being over, believed his services were no longer required. He also states as a fact that by failing to return he lost his bounty money, to which he was entitled, and all accrued pay, and that all claims that he may have had, or that he might have in the future, relating to bounty and accrued pay, are hereby relinquished.

Your petitioner also represents that he left his command after four years of continuous service, on the 28th day of January, 1866, in time of peace and not in time of war.

That after he reached his mother's home he remained with her and ministered to her wants because she worried about him and insisted on him remaining with her as long as she lived; and he could not refuse to comply with her wishes, and remained with her until she died, and after her death it was too late to return to the service. He further represents that he was then young and inexperienced, and more impressionable to filial duties than to the duties of military requirements.

He respectfully requests your committee to grant him such relief as will authorize the War Department to issue to him an honorable discharge, dating the 28th day of January, 1866.

JAMES J. FLUKE.

BLAIR COUNTY, PA., ss:

Sworn and subscribed to before me this 4th day of March, 1896.

[SEAL.]

CHARLES M. PIPER, *Notary Public.*

Personally appeared before me, a notary public in and for said county and State, James Morgan, aged 49 years, and whose post-office address is Altoona, Pa., who, being duly sworn, deposeth as follows:

I have known James J. Fluke since boyhood.

I remember his return from the Army in winter of 1865 and 1866. His mother was seriously ill, and he stayed with her because she insisted upon it, and he remained, taking care of her. As she was in bad health and solicitous concerning him, and pleading with him to remain with her, he acquiesced and done his duty to her to the last. They lived here in Altoona, Pa. Mr. Fluke always bore a good reputation as a man and citizen.

I freely testify to the foregoing facts, as I know them from personal knowledge, being a neighbor at the time.

JAMES MORGAN.

BLAIR COUNTY, PA., ss:

Sworn and subscribed to before me this 5th day of March, 1896.

[SEAL.]

CHARLES M. PIPER, *Notary Public.*

BLAIR COUNTY, *State of Pennsylvania*, ss:

Personally appeared before me, C. M. Piper, a notary public in and for said county, Mrs. Catherine Fluke, wife of William Fluke, aged 52 years, whose post-office address is No. 2000 Eighth avenue, Altoona, Pa., who deposeth as follows:

I knew James Fluke since childhood. Knew he was in the Army. Knew James Fluke returned from the Army in January or February, 1866. He came home to see his mother, who was sick with consumption, and was worrying about him and wanted to see him. She was in ill health and continued so, unable to work, until she died some time later. James Fluke remained at home with his mother because she wanted him near her in her helpless condition. He said he came home without permission and all were afraid to have him go back for fear of trial. His mother insisted on him staying and not leaving her. They resided here in Altoona, Pa.

This is all I can remember about the matter.

Mrs. CATHERINE FLUKE.

BLAIR COUNTY, PA., ss:

Sworn and subscribed to before me this 4th day of March, 1896, and I further certify she is a woman of good repute.

[SEAL.]

CHARLES M. PIPER, *Notary Public.*